

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SANTIAGO JAMES CHAVEZ JR.,

Plaintiff,

v.

SONYA DIXON,

Defendant.

No. 2:24-cv-2491 DJC AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel in a civil rights action pursuant to 42 U.S.C. § 1983. On November 20, 2025, the court screened the complaint and found that plaintiff's allegations adequately stated a First Amendment claim against defendant Dixon for writing plaintiff up after he discussed workplace misconduct with internal affairs, causing plaintiff to lose his job and good time credits. ECF No. 13 at 3. The court also found that plaintiff failed to state any causes of action under Title VII of the Civil Rights Act (Title VII), the Prison Rape Elimination Act (PREA), California Code of Regulations (CCR), or the Eighth and Fourteenth Amendments to the United States Constitution. Id. at 4-5.

Plaintiff was given the options of amending the complaint or proceeding immediately on his First Amendment retaliation claim against defendant Dixon. Id. at 5. He was further advised that if, within twenty-one days from the date of the order, he failed to notify the court how he wanted to proceed, the court would assume that he is choosing to proceed on the complaint as

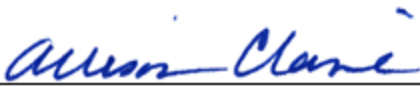
1 screened and will recommend dismissal without prejudice of plaintiff's claims under Title VII,
2 PREA, CCR, and the Eighth and Fourteenth Amendments to the United States Constitution. Id.
3 at 6-7.

4 The time for plaintiff to notify the court as to how he wishes to proceed has now passed,
5 and plaintiff has not made an election or otherwise responded to the order.

6 Accordingly, IT IS HEREBY RECOMMENDED that for the reasons set forth in the
7 November 20, 2025, screening order (ECF No. 13 at 4-5), plaintiff's claims under Title VII,
8 PREA, CCR, and the Eighth and Fourteenth Amendments to the United States Constitution be
9 dismissed without prejudice.

10 These findings and recommendations are submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
12 after being served with these findings and recommendations, plaintiff may file written objections
13 with the court. Such a document should be captioned "Objections to Magistrate Judges Findings
14 and Recommendations." Plaintiff is advised that failure to file objections within the specified
15 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
16 (9th Cir. 1991).

17 DATED: January 6, 2026

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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